

ORDINANCE NO. 91-52

A COUNTYWIDE ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM BEACH COUNTY WATER AND IRRIGATION CONSERVATION ORDINANCE; PROVIDING FOR A SHORT TITLE; APPLICABILITY; AUTHORITY; PURPOSE; DEFINITION; CODE ENFORCEMENT/CODE INSPECTOR; RESTRICTIONS; EXEMPTIONS; ENFORCEMENT; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125, Florida Statutes (County Government) authorizes the Board of County Commissioners to enact those regulations necessary for the health, safety and welfare of the citizens and visitors of Palm Beach County, and

**WHEREAS**, the rapid growth of Palm Beach County has placed and continues to place a substantial strain on the water resources of the County, and

**WHEREAS**, it is the policy of Palm Beach County to conserve and protect its valuable and critical water resources, and

**WHEREAS**, the South Florida Water Management District has developed a "Water Conservation Plan," for the conservation and distribution of water resources, and

**WHEREAS**, it is the intent and policy of the Board of County Commissioners of Palm Beach County to ensure the continued health, safety, welfare, and quality of life for the existing and future residents and visitors to Palm Beach County by assisting in the conservation of its water resources, and

**WHEREAS**, the Board of County Commissioners of Palm Beach County finds that it is in the best interests of citizens of Palm Beach County to enact a countywide ordinance imposing permanent restrictions on landscape irrigation;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

Section 1. SHORT TITLE; APPLICABILITY; AUTHORITY

1.01 This Ordinance shall be known as the "Palm Beach County Water and Irrigation Conservation Ordinance."



1           1.02 All provisions of this Ordinance shall be effective  
2 within the unincorporated areas of Palm Beach County, Florida, as  
3 well as those incorporated areas not subject to municipal  
4 regulation in this area, and shall set restrictions, constraints  
5 and prohibitions to enhance the County's water resources and  
6 provide a permanent water conservation measure. Unless otherwise  
7 provided, nothing in this Ordinance shall be construed to relieve  
8 any person from compliance with any applicable regulations enacted  
9 by the County or any municipality, District, or political  
10 subdivision of the State of Florida.

11           1.03 This Ordinance is adopted under the authority of Chapter  
12 125, Florida Statutes.

13           Section 2.       PURPOSE

14           This purpose of this Ordinance is to establish a regulatory  
15 framework and guidance document which will help ensure that water  
16 and landscape irrigation conservation will be consistent throughout  
17 Palm Beach County.

18           Section 3.       DEFINITIONS

19           3.01 The following definitions shall apply within this  
20 Ordinance.

21           (a) Agriculture. The growing of farm products including but  
22 not limited to sugar cane, vegetables, citrus and other fruits,  
23 pasture land, sod or nursery stock including but not limited to  
24 ornamental foliage and greenhouse plants.

25           (b) Code Enforcement Officer/Code Inspector. Any authorized  
26 agent or employee of the County whose duty is to ensure compliance  
27 with the provisions of this Ordinance, including, but not limited  
28 to, law enforcement officers and designated employees of the  
29 Department of Environmental Resources Management, Cable Television,  
30 Water Utilities and Planning, Zoning and Building.

31           (c) Groundwater and Natural Resources Protection Board. That  
32 Board designated by the Board of County Commissioners of Palm Beach  
33 County to hear violations of this Ordinance and other state and  
34 local laws protecting the groundwater and natural resources of Palm  
35 Beach County.



1 (d) Impervious. Land surfaces which do not allow the  
2 penetration of water including paved roads, sidewalks, driveways,  
3 parking lots and highly compacted areas including shell or clay.

4 (e) Irrigation. The direct application of water by means  
5 other than precipitation.

6 (f) Irrigation Systems. Equipment and devices which deliver  
7 water to plants being irrigated including, but not limited to  
8 pipelines, control structures, pipes and ditches, pumping stations,  
9 emitters, valves and fittings. This does not include the transfer  
10 of water through water management systems from one location to  
11 another.

12 (g) Person. Includes any natural person, individual, public  
13 or private corporation, firm, association, joint venture,  
14 partnership, municipality, governmental agency, political  
15 subdivision, public officer or any other entity whatsoever, or any  
16 combination of such, jointly or severally.

17 Section 4. RESTRICTIONS

18 4.01 Irrigation of any residential, commercial,  
19 institutional, governmental or industrial landscape areas shall be  
20 restricted to the hours of 5:00 P.M. to 9:00 A.M.

21 4.02 It shall be unlawful to operate or cause the operation  
22 of any irrigation system or device in a manner causing water to be  
23 wasted, including but not limited to unnecessary watering of  
24 impervious areas, other than that which may occur incidental to the  
25 proper operation of the primary irrigation system.

26 4.03 Upon the effective date of this Ordinance new  
27 installations of automatic irrigation systems shall be equipped  
28 with a water sensing device which will automatically discontinue  
29 irrigation during periods of rainfall.

30 Section 5. EXEMPTIONS

31 The following activities shall be exempt from the provisions  
32 of this Ordinance:

33 5.01 Landscape irrigation by hand watering using a self-  
34 canceling nozzle.

35 5.02 Landscape irrigation by systems from which the sole  
36 source is treated wastewater effluent.



1           5.03 The operation of irrigation systems for system repair  
2 and maintenance.

3           5.04 Flushing of water mains required for normal water main  
4 clearance and maintenance and for maintenance of water quality;  
5 however, where practical, contractors and utilities shall direct  
6 flushed water into pervious areas, flush at the minimum rate  
7 necessary for cleaning and disperse the water in such a manner to  
8 benefit local vegetation.

9           5.05 Landscape irrigation for purposes of watering in  
10 fungicides, insecticides and herbicides as required by the  
11 manufacturer or by federal or state laws; however, this exemption  
12 applies only to licensed pest control operators and shall be  
13 limited to manufacturer's recommendations.

14           5.06 Landscape irrigation for the purpose of watering in newly  
15 planted grass and foliage for the first forty-five (45) days after  
16 initial installation.

17           5.07 Irrigation activity for dust emissions required by  
18 court or administrative action.

19           5.08 Agricultural irrigation where the use of water is  
20 permitted by a consumptive or water use permit issued by the South  
21 Florida Water Management District.

22           Section 6.       ENFORCEMENT

23           6.01 Failure to comply with the requirements of this  
24 Ordinance shall constitute a violation of a County Ordinance, and  
25 may be punished as provided by Section 125.69(1), Florida Statutes.

26           6.02 Violations of the provisions of this Ordinance may also  
27 be punished, pursuant to Chapter 162, Florida Statutes, by a fine  
28 not to exceed two hundred fifty dollars (\$250.00) for a first  
29 violation, and five hundred dollars (\$500.00) for a repeat  
30 violation. In accordance with Chapter 162, Florida Statutes, it is  
31 the intent of this Ordinance that the gravity of the violation be  
32 greater during times of water shortage.

33           6.03 Each day in violation of the provisions of this  
34 Ordinance shall constitute a separate offense.

35           6.04 In addition to the sanctions contained herein, the  
36 County may take appropriate action, including but not limited to



1 administrative action and requests for temporary and permanent  
2 injunctions, to enforce the provisions of this Ordinance.

3 6.05 Violations of this Ordinance, punishable by civil fine  
4 pursuant to Chapter 162, Florida Statutes, shall be referred to the  
5 Groundwater and Natural Resources Protection Board.

6 6.06 All monies collected pursuant to this Ordinance shall be  
7 deposited in the Palm Beach County Pollution Trust Fund or such  
8 other place as may be designated by Resolution of the Board of  
9 County Commissioners.

10 Section 7. VARIANCE RELIEF

11 Any person affected by the provisions of this Ordinance may  
12 make application to the County Administrator, or his designee, for  
13 a variance, if compliance would impose a unique, unnecessary and  
14 inequitable hardship on such person. Relief may be granted only  
15 upon a demonstration that such hardship is peculiar to the person  
16 or the affected property and is not self-imposed, and that the  
17 grant of the variance will be consistent with the general intent  
18 and purpose of this Ordinance. Upon receiving an application for  
19 variance, the County Administrator, or his designee, shall render  
20 a decision on the variance within ten (10) working days. Denials  
21 of variance relief may be appealed to the Environmental Ordinance  
22 Appeals Board within twenty (20) days of such person's receipt of  
23 the notice of denial. Any application for variance or appeal shall  
24 be by certified mail with return receipt requested.

25 Section 8. REPEAL OF LAWS IN CONFLICT

26 All local laws and ordinances enacted by the Board of County  
27 Commissioners of Palm Beach County, applying to the unincorporated  
28 and incorporated areas of Palm Beach County in conflict with any  
29 provisions of this Ordinance are hereby repealed to the extent of  
30 any conflict.

31 Section 9. SEVERABILITY

32 If any section, paragraph, sentence, clause, phrase, or word  
33 of this Ordinance is for any reason held by the Court to be  
34 unconstitutional, inoperative or void, such holding shall not  
35 affect the remainder of this Ordinance.



Section 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the codes of laws and ordinances of Palm Beach County, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish such, and the word, "ordinance" may be changed to "section", "article", or any other appropriate word.

Section 11. EFFECTIVE DATE:

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 17th day of December, 1991.

ATTEST:  
JOHN B. DUNKLE, CLERK

PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY COMMISSIONERS

Michael P. Brown  
By: Deputy Clerk

By [Signature]  
Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

[Signature]  
COUNTY ATTORNEY

Acknowledgement by the Department of State of the State of Florida, on this, the 23rd day of December, 1991.

**EFFECTIVE DATE:** Acknowledgement from the Department of State received on the 27th day of December, 1991, at 3:44 P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.